

**BEFORE THE STATE CORPORATION COMMISSION
OF THE STATE OF KANSAS**

In the Matter of the Investigation of)
Kristopher A. Kromer, d/b/a Bouncer)
Transportation Services of Salina, Kansas,)
Regarding the Violation of the Motor Carrier) Docket No. 20-TRAM-366-PEN
Safety Statutes, Rules and Regulations and the)
Commission's Authority to Impose Penalties,)
Sanctions and/or the Revocation of Motor)
Carrier Authority.)

MOTION FOR ORDER AMENDING PENALTY ASSESSMENT

The Staff of the State Corporation Commission of the State of Kansas (Staff and Commission, respectively), by and through its counsel, Ahsan A. Latif, files this Motion requesting the Commission issue an Order Amending Penalty Assessment reducing the penalty assessed to Kristopher A. Kromer, d/b/a Bouncer Transportation Services (Bouncer Transportation Services), fifty-percent (50%) less than the penalty assessed in the Penalty Order dated March 3, 2020. In support of its Motion, Staff states as follows:

1. On March 3, 2020, a Penalty Order was issued to Bouncer Transportation Services assessing it a penalty of \$1,600 for five (5) violation(s) of Kansas law that governs motor carriers, including various provisions of the Federal Motor Carrier Safety Regulations (FMCSRs), as adopted by the Kansas Administrative Regulations. The violations were found during a Safety Compliance Review conducted on February 20, 2020, by Special Investigator Gregory Askren.

2. The Notice of Penalty Assessment advised Bouncer Transportation Services it was a New Entrant carrier and may be eligible for a fifty-percent (50%) reduced penalty if it submitted a signed and dated Reduced Penalty Agreement within fifteen (15) days from the date

of the Penalty Order, stating it will comply with the reduced penalty option terms and obligations stated therein.

3. On March 18, 2020, Bouncer Transportation Services submitted the Reduced Penalty Agreement. The Corrective Action Plan was submitted by the carrier and has been approved by Transportation Staff. The Reduced Penalty Agreement is attached hereto and is hereby incorporated by reference.

4. Staff recommends the Commission issue an Order Amending Penalty Assessment assessing Bouncer Transportation Services a 50% reduced penalty of \$800 and requesting it to comply with the following terms and obligations:

- a. within thirty (30) days from the date of the Penalty Order dated March 3, 2020, Bouncer Transportation Services shall send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance must be submitted to Litigation Counsel;
- b. within eighteen (18) months of the Penalty Order, Bouncer Transportation Services must submit to a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to set up the review; and
- c. within thirty (30) days from the date of service of the Order Amending Penalty Assessment, Bouncer Transportation Services must make the payment of \$800 in the KTRAN system located at <https://puc.kcc.ks.gov/ktran/>.

WHEREFORE, for the reasons set forth herein, Staff requests an Order Amending Penalty Assessment be issued by the Commission assessing Kristopher A. Kromer, d/b/a Bouncer Transportation Services a reduced penalty of \$800 and ordering it to comply with the proposed terms and obligations set out in paragraph 4 above.

Respectfully submitted,

/s/ Ahsan A. Latif

Ahsan A. Latif, S. Ct. #24709

Litigation Counsel

Kansas Corporation Commission

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Attorney for Commission Staff

VERIFICATION

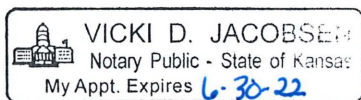
20-TRAM-366-PEN

STATE OF KANSAS)
) ss.
COUNTY OF SHAWNEE)

Ahsan A. Latif, of lawful age, being duly sworn upon his oath deposes and states that he is Litigation Counsel for the State Corporation Commission of the State of Kansas; that he has read and is familiar with the foregoing *Motion for Order Amending Penalty Assessment*, and attests that the statements therein are true and correct to the best of his knowledge, information and belief.

/s/ Ahsan A. Latif
Ahsan A. Latif, S. Ct. # 24709
Litigation Counsel
The State Corporation Commission
of the State of Kansas

SUBSCRIBED AND SWORN to before me this 15th day of April, 2020.



Vicki D. Jacobson
Notary Public

My Appointment Expires: June 30, 2022

1500 SW Arrowhead Road
Topeka, KS 66604-6077

Susan K. Duffy, Chair
Shari Ryan Ahsanif, Clerk/Secretary
Dwight D. Kopp, Commissioner



Phone: 785 271-3100
Fax: 785 271-3354
<http://kcc.kansas.gov/>

Jason K. Kelly, Secretary

REDUCED PENALTY AGREEMENT

20-TRAN-366-PEN

Kristopher A. Kromer, d/b/a Bouncer Transportation Services (Bouncer Transportation Services) hereby submits this Reduced Penalty Agreement for approval of a fifty percent (50%) reduction in the penalty assessed in the Penalty Order dated March 3, 2020. Bouncer Transportation Services has agreed to comply with the following terms and obligations:

1. Bouncer Transportation Services has submitted, within fifteen (15) days from the date of the Penalty Order this signed and dated Reduced Penalty Agreement to Litigation Counsel.
2. Bouncer Transportation Services will, within thirty (30) days from the date of the Penalty Order, submit to Transportation Staff a Corrective Action Plan (CAP) documenting the violation(s) and describing specific and detailed information explaining its efforts and concrete steps taken to ensure the violation(s) do not occur in the future. I understand the CAP must be approved by Transportation Staff to become eligible for the 50% reduced penalty.
3. Bouncer Transportation Services will, within thirty (30) days from the date of the Penalty Order, send an individual responsible for safety compliance to attend a Commission-sponsored safety seminar, and proof of attendance will be submitted to the Litigation Counsel.
4. Bouncer Transportation Services will be available within eighteen (18) months from the date of the Penalty Order for a follow-up Safety Compliance Review. Transportation Staff will contact the carrier to schedule the review.

Kristopher A. Kromer, d/b/a Bouncer Transportation Services understands that if approved, an Order Amending Penalty Assessment will be issued by the Commission assessing a reduced penalty of \$900, and will set out the terms and conditions stated above. Once the Order Amending Penalty Assessment is issued by the Commission, Bouncer Transportation Services will have thirty (30) days from the date of service of that Order to pay the reduced penalty assessed.

Dated this 18 day of Mar, 2020.

Transportation Services

Kristopher A. Kromer, d/b/a Bouncer


Kristopher A. Kromer

(This Agreement can be mailed via U.S. Mail to the address above to the attention of Ahsan Larif, Litigation Counsel, or sent via e-mail to y.jacobson@kcc.ks.gov and alarif@kcc.ks.gov.)

CERTIFICATE OF SERVICE

20-TRAM-366-PEN

I, the undersigned, certify that a true and correct copy of the above and foregoing Motion to Amend Penalty Assessment was served via electronic service this 15th day of April, 2020, to the following:

AHSAN LATIF, LITIGATION COUNSEL
KANSAS CORPORATION COMMISSION
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TOPEKA, KS 66604
Fax: 785-271-3354
a.latif@kcc.ks.gov

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Vicki Jacobsen